



UNITED STATES DEPARTMENT OF COMMERCE
Patent and Trademark Office

Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
-----------------	-------------	----------------------	---------------------

09/267,350 03/15/99 POGREBINSKY

V P-2279-US

LM02/0712

JOHN L WELSH
AQUILINO AND WELSH
SUITE 112
2341 JEFFERSON DAVIS HIGHWAY
ARLINGTON VA 22202

EXAMINER

NGUYEN, P

ART UNIT

PAPER NUMBER

2739

DATE MAILED:

07/12/00

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.
09/267,350

Applicant(s)

Pogrebinsky et al

Examiner

Phuongchau Ba Nguyen

Group Art Unit

2739



☒ Responsive to communication(s) filed on Mar 15, 1999

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle* 35 C.D. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 3 month(s), or thirty days, whichever is longer, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

Disposition of Claim

☒ Claim(s) 1-14 is/are pending in the applicat

Of the above, claim(s) _____ is/are withdrawn from consideration

☐ Claim(s) _____ is/are allowed.

☒ Claim(s) 1-14 is/are rejected.

☐ Claim(s) _____ is/are objected to.

☐ Claims _____ are subject to restriction or election requirement.

Application Papers

☒ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on _____ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some* ☒ None of the CERTIFIED copies of the priority documents have been

☐ received.

☐ received in Application No. (Series Code/Serial Number) _____

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

*Certified copies not received: _____

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

☒ Notice of References Cited, PTO-892

☒ Information Disclosure Statement(s), PTO-1449, Paper No(s). 3

☐ Interview Summary, PTO-413

☒ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

— SEE OFFICE ACTION ON THE FOLLOWING PAGES —

Art Unit: 2739

Drawings

1. Figures 1-3 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g).

Information Disclosure Statement

2. The information disclosure statement filed 9-13-1999 fails to comply with 37 CFR 1.98(a)(2), which requires a legible copy of each U.S. and foreign patent; each publication or that portion which caused it to be listed; and all other information or that portion which caused it to be listed. It has been placed in the application file, but the information referred to therein has not been considered.

The article "A transport Protocol for Real Time Applications" is missing.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 1-8 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Art Unit: 2739

As to claim 1, claim is not clear what meant of "a likelihood"? Please define and also clarify "a likelihood" of what is determined (line 5)? Claims 3, 6, 7 also have the same problems.

As to claim 3, it is not clear what meant by "statistic". Please define and clarify what "at least two statistics" were created? Claim 7 also has the same problems.

Claim 3 is not clear what meant by "the width" of two statistics (line 7). Please define. Claim 3 recites the limitation "the width" in line 7. There is insufficient antecedent basis for this limitation in the claim.

Claim 4 recites the limitation "said estimate" in line 3. There is insufficient antecedent basis for this limitation in the claim.

As to claim 6, claim is not clear what meant by "a statistical analysis"(lines 2-3). Please define.

Applicant is requested to reference all limitations as remarked above to the specification, so metes and bound of the claim can be determined from the claim language.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Art Unit: 2739

6. Claim(s) 1-2, 4-5, 9-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Steagall et al (5,127,001).

Steagall discloses in figure 5 buffers 52a-n, queue length monitor 53 (monitoring is inherent) for determining (measuring) the number of voice packets waiting to be played out (time to play) in each queue corresponding to each respective member node (location), threshold timer 55 (determining and adjusting) [col.8, 57-col.10, 28]. Steagall further discloses the adaptive adjustment of threshold timer period to maximize fidelity of the voice transmission. If the local threshold timer provide shorter period than the source, interpacket gaps (statistics) may be created. The threshold timer can be adjusted or adaptively corrected on the basis of monitoring delays such as end to end delays.

Steagall further comprises that timer period will approximate the playout interval of a voice packet to minimize the distortion and optimum fidelity of the voice signal reproduced.

7. Claim(s) 1-2, 4-5, 9-10, 13-14 are rejected under 35 U.S.C. 102(b) as being anticipated by Klingler (5,323,272).

Klingler discloses an audio receiver FIFO memory buffer and the FIFO's fullness monitored and maintained in response to an external signal to within a specified range delimited by an upper and lower threshold and these thresholds are set and adjusted by the threshold adjust logic 140 (see figure 1, col.4, 7-col.5, 53).

Art Unit: 2739

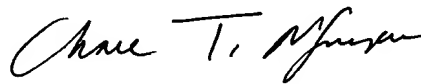
Allowable Subject Matter

8. Claims 3, 6-8 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Phuongchau Ba Nguyen whose telephone number is (703) 305-0093 and available Monday-Friday from 10:00 AM to 3:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chau T. Nguyen, can be reached on (703) 308-5340. The fax number for this group is (703)305-9509.

Any inquiry of a general nature or relating to the status of this application should be directed to the group receptionist whose telephone number is (703) 305-3900.

PN
P. NGUYEN
July 10, 2000



CHAU NGUYEN
PRIMARY EXAMINER